

202 KAR 6:070. PSAP workload fund disbursement.

RELATES TO: KRS 65.7621, 65.7627, 65.7629(5)-(8), 65.7631(3), 65.7643, 47 U.S.C. 153(27), 332(d)

STATUTORY AUTHORITY: KRS 65.7633(2)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.7633(2)(c) requires the CMRS Board to establish procedures and guidelines for reviewing, evaluating, and approving or disapproving disbursement from the CMRS Fund and requests for disbursements under, KRS 65.7631(2), (3), and (4). This administrative regulation establishes the wireless workload fund disbursement process.

Section 1. Revenues Collected by the CMRS Board. (1) Wireless workload revenues remitted to the CMRS Board during a calendar quarter shall be disbursed in one (1) payment to PSAPs (public safety answering points) within 120 days of the end of that same calendar quarter.

(2) Each PSAP certified by the end of a calendar quarter shall be eligible for a disbursement of funds received during that same calendar quarter.

Section 2. Determination of the Zip Codes or Portions thereof in a PSAP's Jurisdiction. (1) Upon initial certification, the board shall submit to each PSAP a list of zip codes within the PSAP's jurisdiction. A zip code with at least three (3) percent of its total area in a jurisdiction shall be included in the list. Percentage allocation shall be determined by the Commonwealth Office for Technology, Division of Geographic Information, and communicated to the board.

(2) If three (3) percent or more of a zip code is in more than one (1) PSAP's jurisdiction, the CMRS Board shall adjust the allocation determined by the Commonwealth Office for Technology so that the percentage of zip code area allocated to the PSAP shall be equivalent to the percentage of CMRS connections within the zip code area.

(3) Within forty-five (45) days of receipt of the zip code list from the CMRS Board, each PSAP shall acknowledge, in writing to the CMRS Board whether the list of zip codes in the PSAP's jurisdiction is correct and complete.

(4) Within forty-five (45) days of receipt of the zip code list from the CMRS Board, a PSAP may dispute zip code or percentage allocations by notifying the board and any other PSAP affected by the dispute, in writing, of the disputed zip code.

(a) Within five (5) working days of receipt of a notice of dispute, the board shall notify each PSAP affected by the dispute, by certified mail, return receipt requested. The affected PSAPs shall:

1. Negotiate a mutually agreeable resolution to the identified problem; and
2. Notify the CMRS Board of the result.

(b) If within the following thirty (30) days the CMRS Board is not notified of a mutually-agreeable resolution between the affected PSAPs, the board shall determine the percentage of the identified zip code to be allocated to each PSAP.

(5) A PSAP may request a change to a previously-approved zip code allocation by submitting a written request to the CMRS Board and the other affected PSAPs no later than thirty (30) days after the end of a calendar quarter.

(a) Within five (5) working days of receipt of a request, the board shall notify each affected PSAP, by certified mail, return receipt requested. The affected PSAPs shall:

1. Negotiate a mutually-agreeable resolution to the requested change; and
2. Notify the CMRS Board of the result.

(b) If, within the following thirty (30) days, the board is not notified of a mutually-agreeable

resolution between the affected PSAPs, the board shall determine the percentage of the zip code to be allocated to each PSAP.

(6) A PSAP may appeal the final allocation of a zip code assignment in accordance with KRS Chapter 13B.

Section 3. Calculation of Individual PSAP Disbursements Under the PSAP Wireless Workload Formula. (1) Within ninety (90) days after the end of calendar quarter, the board shall determine a value for each CMRS connection by dividing the total amount of funds remitted to the board during the collection period established for this disbursement by the total number of CMRS connections, as submitted in a quarterly report by the CMRS providers.

(2) The board shall multiply the value for each connection by the number of connections in each zip code, as reported in the quarterly reports by the CMRS providers.

(3) The CMRS Board shall divide the disbursement for a zip code that crosses a PSAP jurisdictional boundary according to the percentages established in Section 2 of this administrative regulation.

(4) A PSAP's workload disbursement shall consist of the total amounts for all zip codes or percentage of zip codes whose areas are served by a PSAP, as determined by subsections (2) and (3) of this section.

(5) Disbursement amounts attributed to zip codes whose allocation of CMRS connections is disputed by a PSAP shall be reserved by the board in the PSAP volume account until an allocation for that zip code is determined.

(a) Disputed funds shall remain in the CMRS fund accounts until disbursed.

(b) Interest accrued by disputed funds shall be deposited in the CMRS Fund and thereafter distributed in accordance with KRS 65.7631.

(c) Upon resolution of a dispute, the reserved funds shall be disbursed to the PSAPs with the next regular workload fund disbursement.(28 Ky.R. 1269; Am. 1613; eff. 1-14-2002; 33 Ky.R. 4220; 34 Ky.R. 236; eff. 8-31-07.)